

**Zawitoski, John**

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**From:** Criss, Jeremy  
**Sent:** Monday, June 10, 2013 1:54 PM  
**To:** Navarro, Nancy; Rice, Craig; Berliner, Roger; Leventhal, George; Floreen, Nancy; Elrich, Marc; Andrews, Phil; Riemer's Office, Councilmember; Ervin, Valerie  
**Cc:** 'David Weitzer'; 'MCP-Chair'; Silverman, Steve; 'Jane Seigler'; Zyontz, Jeffrey; 'Dunn, Pamela'; Zawitoski, John  
**Subject:** Agricultural Advisory Committee Recommendations on ZTA 13-04 Zoning Ordinance-Revised  
**Attachments:** AACZoningrewrite6-11-13.doc

Hello County Council Members:

Please see the attached letter from the Agricultural Advisory Committee on ZTA 13-04 Zoning Ordinance-Revised.

David Weitzer, Chairman of the Agricultural Advisory Committee will be testifying at the public hearing tomorrow night.

Please let us know if you have any questions.

Thanks J

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## **AGRICULTURAL ADVISORY COMMITTEE**

June 11, 2013

The Honorable Nancy Navarro  
President, Montgomery County Council  
100 Maryland Avenue  
Rockville, Maryland  
20850

Dear Council President:

RE: ZTA 13-04 Zoning Ordinance-Revised

On behalf of the Montgomery County Agricultural Advisory Committee-AAC please accept this letter as our recommendations surrounding Zoning Text Amendment 13-04 Zoning Ordinance-Revised. The AAC would like to acknowledge the extensive amount of work that the M-NCPPC has done to revise the County Zoning Ordinance including their support for the recommendations which were incorporated into the final report. There are some agricultural issues that were not addressed in the final report that I will focus on with my testimony.

### **Definition of Farming:**

On March 19, 2013 the County Council hosted a breakfast for County farmers and other interested folks to present a Proclamation celebrating National Agricultural Day for Montgomery County. During the breakfast I discussed the concerns of the Agricultural Advisory-AAC regarding the proposed definition of Farming as outlined the Zoning Rewrite report. In Article 59-3, Section 3.2.6, (also in Div. 1-4) Farming is defined as including accessory agricultural processing, storage and sale of “products grown or raised on-site or on property owned, rented, or controlled within Montgomery or adjacent counties by the farmer.” The AAC believes that this definition is an unnecessary and overly burdensome restriction on the operations of Montgomery County farms, by restricting farm properties and the use of agricultural products from outside of Montgomery and the adjacent counties. The Chair of the Planning Board was present during the breakfast and she said she would address these concerns. Unfortunately the definition of Farming was not revised in the final report. The day after the Proclamation I copied the County Council on a very detailed letter to the Chair of the Planning Board dated March 20, 2013 outlining several examples of how farmer’s agricultural products and farm properties will be negatively impacted by the restriction noted above.

### **Definition of Farming-Div. 1-4 Defined Terms and Sec. 3.2.6 Farming:**

As noted above, Farming is defined as- “An operation on a property, with or without associated buildings, that is being used for agriculture, ....” , and includes

- a. Accessory agricultural processing and storage of products grown or raised on-site or on property owned, rented, or controlled *within Montgomery or adjacent counties* by the farmer. and
- b. The sale of products of agriculture and agricultural processing, if the products are produced on site or on property owned, rented, or controlled *in Montgomery and adjacent counties* by the farmer.

The County's agricultural industry cannot competitively function within this limited area. Farmers may need flexibility in their farm property locations and in agricultural products sourcing outside of this limited area to run their farming operations. Many Montgomery County livestock producers search throughout the country to find specialty livestock breeders and purchase new livestock to enhance the quality of their livestock for their base operation in the County. Similarly, farmers may have to purchase other agricultural products to supplement their production. The purchase of new livestock and other products are then brought back to their base operation in Montgomery County where farmers process the agricultural product for marketing and sale. Availability, economics and market conditions dictate these purchases.

The proposed definition of farming would prohibit all producers from farming or purchasing products outside this limited area and this outcome is in direct conflict with the Agricultural Zone Intent Statement outlined in Sec. 2.1.3 B. AAC respectfully requests the County Council must remove the words in italic font referenced in the two sections above in-Div.1-4 Defined Terms and Sec.3.2.6 Farming. The Intent of the Agricultural Reserve Zone is very clear that Agriculture is the preferred use in the AR zone. In today's modern agricultural practices, market, weather, climate, and soil conditions all mean that successful farming often requires that an operator maintain operations or sources of supplies at several, often far-flung locations. It is often a business imperative that agricultural products produced at the remote locations be brought back to "the home farm" for processing and sale, to take advantage of economies of production and scale. Any restriction that would prevent farmers from bringing back products from remote locations could destroy those economies and threaten the viability of the farming operation as a whole.

During the Farming at Metro's Edge Conference in January 2013 there were many people advocating the need for more table food products and acknowledging that the current capacity of our County farms cannot meet the growing demand for these products. There were also suggestions for creating a Food Hub and Food Sheds as a means to address the growing demand for food produced by local growers. We need to acknowledge that the agricultural industry is regional and all the agricultural businesses function in a pure competitive form of business where no one producer can influence the price of their products. In this pure competitive form of business we need to make sure that farmers have the flexibility to compete and be profitable. If farmers are not competitive or profitable they will simply go out of business and no one wants this outcome.

#### **Sec. 4.2.5 AR Zone, Standard Method of Development Standards:**

The MNCPPC presented a comprehensive summary of the Revised Zoning Ordinance to the Planning Housing and Economic Development Committee on April 5, 2013 and they announced

the only major change to the agricultural RDT zone was to rename it to the AR zone. The RDT zone does not specifically require a maximum sized lot however the MNCPPC proposes the AR zone will only allow a maximum of 3 acre sized lot. The AAC questions the proposed requirements under section B. Lot and Density. The Alternative Lot area (max) requires that a lot cannot exceed 3 acres in size and the remainder of the site must be placed in a conservation or agricultural easement or land trust. Who will enforce the easements as these easement programs are voluntary? The AAC recommends the wording under Specification for Child lots needs to also apply to the section B. Lot and Density. This recommendation will allow the Planning Board to approve a lot larger than 3 acres if an on-site well and septic system is not feasible on such a small sized lot and the lot cannot be served by septic easement.

The AAC needs to understand how the proposed changes to Chapter 59 Zoning will impact the Exceptions to platting requirements under Chapter 50-9 and Waiver from subdivision under Chapter 50-38 Waivers from Subdivisions for partitions land that is and will remain in exclusively agricultural use.

### **Agricultural Education/Tourism:(Proposed Standards)**

The AAC recommends that Agricultural Education/Tourism needs to be added as a Limited use in the AR zone. The Planning Board first supported this new term on October 18, 2012 and then rejected this new term on October 25, 2012 due to push back from other stakeholders. The AAC recommends this new term is truly needed in the County Zoning Code to address the uses and activities that are currently in place at numerous on-farm markets and other farming operations where agricultural education and tourism activities are offered to the citizens of Montgomery County. These activities are already functioning well as both support to the bottom lines of working farms and as enhancements to the quality of life for all citizens of the County. Their existence and function should be recognized in the Code.

The proposed use is:

#### **1. Defined**

Agricultural Education/Tourism: Agricultural and accessory activities conducted as part of a farm's regular operations with emphasis on hands-on experiences and events that foster increased knowledge of agriculture, including cultivation methods, animal care, water conservation, Maryland's farming history, the importance of eating healthy, locally grown foods, and includes corn mazes, hay rides, and educational tours, classes, and workshops.

#### **2. Use Standards**

Where agricultural education/tourism is allowed as a limited use, it is subject to the following standards:

- a. The property must be farmed and agriculturally assessed.
- b. A minimum of 80% of the property is maintained in agricultural cultivation, pasture land, woodland, or natural features.

- c. Impervious area is a maximum of 8% of the portion of the site where the Agricultural Education/Tourism area is located.
- d. The property must have proper sanitation facilities approved by the Department of Permitting Services.

The AAC was asked by the Planning Board to comment on the types of recreational uses that should be permitted as part of this Agricultural Education/Tourism use. The AAC recommends that recreational opportunities that are directly related to agriculture only should be allowed. We do not support paintball events or Celtic festivals. The AAC supports wine festivals, pumpkin festivals, and camping events with agricultural emphasis. The AAC supports archery camps if they are training bow hunters to hunt white-tailed deer in reducing the size of deer herds.

On behalf of the AAC I want to thank you for the time to present the views of the AAC on ZTA 13-04 and we look forward to working with you in the Planning Housing and Economic Development Committee work session that is scheduled this Friday June 14, 2013.

Sincerely,

A handwritten signature in cursive script that reads "David Weitzer". The signature is written in dark ink and is positioned above a solid horizontal line.

David Weitzer, Chairman

Cc: Members of the County Council  
Jane Seigler, Zoning Advisory Panel  
Pam Dunn, MNCPPC  
Jeffery Zyontz, Council Legislative Attorney